IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

Crl.RC.No. 15 of 2000()

CC.304/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES),PUNALUR

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PARTIES :

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1. STATE OF KERALA
   REPRESENTED BY PUBLIC PROSECUTOR

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

2. NIZAR
   S/O.MUHAMMAD KHAN RAWTHER
   THUNDIL VEEDU
   MUSLIM MOSQUE (NEAR) PUNNALA BHAGAM,
   PUNNALA VILLAGE, PATHANAPURAM TALUK.

3. AJIKUMAR, S/O.SADANANDAN
   SAJI BHAVAN, PUNNALA NALLI MURUSH BHAGAM
   PUNNALA VILLAGE, PATHANAPURAM TALUK.

4. SAKKEER HUSSAIN, S/O.MUHAMAD KHAN RAWTHER
   THUNDIL EEDU, NEAR PUNNALA MUSLIM MOSQUE
   -DO- -DO-

BY ADV. SRI.K.P.VIJAYAN
SRI.V.B.JINNAH
SMT.P.F.ROSY
SMT.C.B.SUMA DEVI
SRI.SURESH SAMUEL
SRI.V.M.SYAM KUMAR

THIS CRIMINAL RIVISION CASE HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.C.NO.15 OF 2000

Dated this the 27th July 2007

ORDER

Suo motu revision was initiated by this Court as it was found that in C.C.No.304/1995 the minimum sentence envisaged by the statute which is simple imprisonment for a term which shall not be less than one year and a fine which shall not be less than 1000/-, was not imposed by the concerned J.F.C.M. The offence involved is under Sections 27(1)(e)III and IV of the Kerala Forest (Amendment) Act. The sentence imposed is simple imprisonment till the rising of the court and to pay a fine of Rs.300/-. Evidently the action on the part of the court below is erroneous.

2. I find that the alleged loss involved for the Government is Rs.1,750/- and that the date of the incident is 2.5.1994. In the circumstances, I find that after the lapse of these much of time, it will not be proper to set aside the sentence imposed and remit the matter back to the court below.

Hence, the Crl.R.C.is closed.

K.R.UDAYABHANU, JUDGE

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